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10 (Counsel for Defendants listed on signature pages)

11  
12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

14 BNSF RAILWAY COMPANY,

15 Plaintiff,

16 vs.

17 ALAMEDA COUNTY,  
18 CONTRA COSTA COUNTY,  
FRESNO COUNTY,  
19 KERN COUNTY,  
KINGS COUNTY,  
20 MADERA COUNTY,  
MERCED COUNTY,  
21 ORANGE COUNTY,  
PLUMAS COUNTY  
22 RIVERSIDE COUNTY,  
SAN BERNARDINO COUNTY,  
23 SAN DIEGO COUNTY,  
SAN JOAQUIN COUNTY,  
24 STANISLAUS COUNTY, and  
TULARE COUNTY, CALIFORNIA,

25 Defendants.  
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Case No. 4:19-cv-07230-HSG

**STIPULATION AND ORDER  
SETTING SCHEDULE FOR  
PRELIMINARY INJUNCTION  
BRIEFING AND CONTINUING CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Haywood S. Gilliam, Jr.

1 **STIPULATION**

2 WHEREAS, Plaintiff BNSF Railway Company (“BNSF”) filed a Motion for  
3 Preliminary Injunction on December 20, 2019, noticed for hearing on March 5, 2020 at 2 p.m.;

4 WHEREAS, given the winter holidays and additional time required for  
5 coordination among the fifteen Defendants, the parties have agreed to propose an extended  
6 briefing schedule as described below;

7 WHEREAS, the current deadline for Defendants to respond to Plaintiff BNSF’s  
8 Motion for Preliminary Injunction is January 3, 2020, and the current deadline for Plaintiff BNSF  
9 to file a reply in support of its Motion for Preliminary Injunction is January 10, 2020;

10 WHEREAS, the parties agree that the deadline for Defendants to file their  
11 Opposition(s) to Plaintiff BNSF’s Motion for Preliminary Injunction should be extended to and  
12 including February 3, 2020;

13 WHEREAS, the parties agree that the deadline for Plaintiff BNSF to file its Reply  
14 in support of its Motion for Preliminary Injunction should be extended to and including February  
15 20, 2020;

16 WHEREAS, the parties believe that the interest of judicial economy and the  
17 convenience of the parties would be served by continuing the Case Management Conference  
18 currently set for February 11, 2020 at 2 p.m. to March 5, 2020 at 2 p.m., to coincide with the  
19 hearing on Plaintiff BNSF’s Motion for Preliminary Injunction;

20 WHEREAS, the parties have agreed to confer under Rule 26(f) no later than the  
21 existing deadline of January 21, 2020 and have agreed that that deadline should not be extended  
22 according to the new date of the Case Management Conference; and

23 WHEREAS, the parties propose to submit their Rule 26(f) report to the Court by  
24 February 27, 2020, as part of their Case Management Statement;

25 NOW THEREFORE, IT IS STIPULATED AND AGREED, by and between  
26 Plaintiff and Defendants, and subject to approval of the Court, that:

27 (1) Defendants shall file their Opposition(s) to Plaintiff BNSF’s Motion for  
28 Preliminary Injunction on or before February 3, 2020;

1                   (2) Plaintiff BNSF shall file its Reply in support of its Motion for Preliminary  
2 Injunction on or before February 20, 2020;

3                   (3) A hearing on Plaintiff BNSF's Motion for Preliminary Injunction will be held  
4 on March 5, 2020 at 2 p.m.;

5                   (4) The Case Management Conference currently set for February 11, 2020 at  
6 2 p.m. is continued to March 5, 2020 at 2 p.m., and the parties' Case Management Statement  
7 including Rule 26(f) report is to be filed by February 27, 2020; and

8                   (5) The parties' deadline to confer under Rule 26(f) remains January 21, 2020.  
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1 DATED: December 23, 2019

MUNGER, TOLLES & OLSON LLP

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Upon presentation of the parties' stipulation and good cause shown, IT IS SO ORDERED.

DATED: 12/26/2019

Haywood S. Gilliam, Jr.  
HON. HAYWOOD S. GILLIAM, JR.

UNITED STATES DISTRICT JUDGE